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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,789	08/06/2001	David Mark Frohlich	1509-142	7946
22878	7590	02/24/2005	EXAMINER	
AGILENT TECHNOLOGIES, INC. INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT. P.O. BOX 7599 M/S DL429 LOVELAND, CO 80537-0599			LAM, HUNG H	
		ART UNIT		PAPER NUMBER
		2615		
DATE MAILED: 02/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	FROHLICH ET AL.
09/890,789	
Examiner	Art Unit
Hung H. Lam	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 06 August 2001.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-24 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 06 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1.) Certified copies of the priority documents have been received.  
2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/08/01.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Regarding claim 24, the claimed invention is directed to non-statutory subject matter. Simply, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "thing." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. See MPEP 2106.IV.B.1.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7, 10, 12-18, 20, 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Pavley et al. (US-6,317,141).

Regarding claim 1, Pavley et al. disclose a digital camera comprising:

camera apparatus (Fig. 1, 100) for capturing still images (Col. 3, Ln. 55-60).

sound recording apparatus (142) for capturing sound passages (Col. 7, Ln. 3-23; Col. 4, Ln. 10-14).

a memory (126, 128, 122) for retaining still images as still image files and sound passages as sound passage files (Col. 5, Ln. 58-67 – Col. 6, Ln. 1-8); and

a user interface (Figs. 4a-4b, 206a-c) adapted for selectively linking one or more still image files with one or more sound passage files to form a linked group, and for selectively unlinking one or more files from a linked group (Col. 2, Ln. 39-56; Col. 7, Ln. 14-23; Col. 9, Ln. 49-67; media-objects can be a still image, video, or audio).

Regarding claim 2, Pavley et al. disclose a digital camera wherein a linked group may consist of one still image file with one or more sound passage files (Col. 7, Ln. 5-9; Col. 7, Ln. 14-23; one or more media-objects/sound/images types can be combined to form a linked group).

Regarding claim 3, Pavley et al. disclose a digital camera wherein a linked group may consist of one sound passage file with one or more still image files (Col. 7, Ln. 5-9; Col. 7, Ln. 14-23; one or more media-objects/sound/images types can be combined to form a linked group).

Regarding claim 4, Pavley et al. disclose a digital camera wherein the user interface is adapted such that a user can select a first and second view of the image files (Fig. 4A indicates the first view, and Fig. 4B indicates the second view) wherein in

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the first view a plurality of sound passage files, still image files or linked groups are displayed in an index format for review (Fig. 4A, Col. 7, Ln. 37-48), and wherein in the second view an individual sound passage file, still image file or linked group is displayed for editing (Fig. 4A, selected image 302; Fig. 18, selected audio 452; Col. 8, Ln. 7-15; in response to a user pressing a key to edit, one or more specialized edit screens is invoked for editing the selected media object/ sound/image file).

Regarding claim 5, Pavley et al. disclose a digital camera as claimed wherein in the second view an additional sound passage file, still image file or linked group is also displayable (Fig. 4b, filmstrip 352 and large thumbnail 354 display the selected media object), wherein the user interface is adapted to allow linkage between the displayed files to form a new linked group (Col. 9, Ln. 44-67- Col. 10, Ln. 1-25; the four-way navigational control 200 and the soft key with label 306a of Figs. 4B and 5 enable user to create or associate/ link more media objects/files to a temporary group).

Regarding claim 6, Pavley et al. disclose a digital camera wherein in the second view a further sound passage or still image may be captured and linked automatically to the individual sound passage file, still image file, or linked group displayed (Col. 7, Ln. 5-9; Col. 7, 20-32; the examiner notices that the automatically linking between captured image and sound passage are inherent from the annotated image).

Regarding claim 7, Pavley et al. disclose a digital camera wherein the digital camera is adapted such that a still image file may be associated with a particular point of time or period of time in the sound passage of a sound passage file (Figs. 13-18; Col. 13, Ln. 45-67 - Col. 14, Ln. 1-52; audio editing screen operates the same way as video editing screen wherein cues 438 enable user to define the begin, end, or duration of a video frame/ waveform for associating the particular point of time of the sound passage with other medias).

Regarding claim 10, Pavley et al. disclose a digital camera, further comprising a time recording means to mark a captured still image or a captured sound passage with the time of recording (Col. 8, Ln. 36-40).

Regarding claim 12, Pavley et al. disclose a digital camera, wherein the user interface (Fig. 16, 308C) is adapted for selective deletion by a user of a still image file, a sound passage file or part of a sound passage file, or a linked group (Col. 10, Ln. 25-38; Col. 14, Ln. 1-17).

Regarding claim 13, Pavley et al. disclose a digital camera wherein the user interface is adapted such that sound passage files and still image files of a linked group are viewable, selectively, either as part of the linked group or independently of the linked group (Fig. 4A shows all linked media objects; Fig. 4B shows a larger view of an individual media object 302).

Regarding claim 14, Pavley et al. disclose a digital camera wherein the user interface is adapted so that the sound passage files, the still image files, and the linked objects are all presentable to the user as a separate sequence, and that the user may select between these separate sequences for browsing (Col. 15, Ln. 12-48).

Regarding claim 15, Pavley et al. disclose a digital camera wherein the memory retains linked groups as separate sound passage files, still image files, and one or more index files containing linking information (Figs. 9A-B; Col. 11, Ln. 29-67 – Col. 12, Ln. 1-5).

Regarding claim 16, Pavley et al. disclose a digital camera wherein the memory retains linked groups as multimedia files (Col. 3, Ln. 37-40), containing sound passage information, still image information, and linking information (Fig. 3; Figs. 9A-B; Col. 6, Ln. 50-55; Col. 11, Ln. 29-67; Col. 12, Ln. 1-5, media objects and linking information are stored and fetched from memory).

Regarding claim 17, Pavley et al. disclose a digital camera wherein the sound passage files and the still image files are both multimedia files (Col. 3, Ln. 37-40; Col. 8, Ln. 50-64).

Regarding claim 18, Pavley et al. disclose a digital camera further comprising a further data recording device for recording of another data type (Col. 5, Ln. 50-67), and wherein the memory device is adapted to record the other data type as a further data type file (Col. 6, Ln. 1-8; Col. 6, Ln. 47-55), and wherein the user interface is adapted for selectively linking one or more further data type files into a linked group, and for selectively unlinking one or more further data type files from a linked group (Figs. 13-17, see user interface 308a-c for Video Editing Screen; Fig. 19, see user interface 308a-c for Text Editing Screen; Col. 9, Ln. 49-67; Col. 10, Ln. 19-38).

Regarding claim 20, Pavley et al. disclose a digital camera wherein the further data type is a video clip, and the further data recording device is a device for recording video clips (Fig. 3, video clip; Col. 5, Ln. 58-67- Col. 6, Ln. 1-8; Col. 6, Ln. 50-55).

Regarding claim 22, Pavley et al. disclose a digital camera wherein the memory is a flash memory device (Fig. 1, mass storage device 122; Col. 6, Ln. 4-8).

Regarding claim 23, Ejima et al. disclose a digital camera wherein the digital camera is adapted to be handheld by a user for still image and sound passage capture (Sec. 0058).

Regarding claim 24, Pavley et al. disclose a program for operating the user interface of a digital camera comprising camera apparatus for capturing still images and

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sound recording apparatus for capturing sound passages (Col. 6, Ln. 47-55; it is inherent that a program must be co-existing in order to execute all command from the user interface such as the soft-key 206a-c, forward-backward button 200 shown in Fig. 2A), wherein the program comprises means for linking one or more still images with one or more sound passages to form a linked group, and means for unlinking one or more elements from a linked group (Figs. 4a-4b, 206a-c; Fig. 18, Audio Editing Screen; Col. 7, Ln. 14-23; Col. 9, Ln. 11-67; Col. 10, Ln. 19-31; media-objects can be a still image, video, or audio).

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Ejima et al. (US-6,327,423).

Regarding claim 8, Pavley et al. disclose a digital camera wherein the digital camera is capable of recording image annotation (Col. 7, Ln. 5-9). However, Pavley fails to explicitly disclose a digital camera wherein the digital camera is adapted such that the camera apparatus may capture one or more still images at the same time that

the sound recording apparatus is capturing a sound passage. However, the limitations are well known in the art as taught by Ejima et al.

In the same field of endeavor, Ejima teaches a digital camera, which enables users to capture sound and images simultaneously, and time out the sound recording by a sound recording switch (Figs. 14-15; Col. 1, Ln. 60-64; Col. 14, Ln. 5-27). Ejima further teaches a continuous photo shooting mode wherein users can shoot 1, 8, or 32 frames per second as long as the release switch is pressed (Col. 4, Ln. 45-57). In light of the teaching from Ejima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera apparatus of Pavley with the recording sound and image apparatus taught by Ejima in order to simultaneously recording image and sound and control the sound recording process in a predetermined time.

Regarding claim 9, Pavley as modified by Ejima discloses a digital camera wherein any still images captured at the same time as a sound passage are provided initially as part of a linked group with the sound passage (Ejima; Col. 1, Ln. 60-67 – Col. 2, Ln. 1-3; Col. 14, Ln. 5-27; Col. 17, Ln. 58-60 ).

Regarding claim 11, Pavley et al. and Ejima contain all limitations in claim 8, and further disclose that the time recording means is adapted to mark the time of capture of a captured still image relative to a contemporaneously recorded sound passage (Pavley, Col. 8, Ln. 37-40).

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Ejima et al. (US-2002-0,057,294).

Regarding claim 19, Pavley et al. fail to disclose a digital camera wherein the further data type is handwriting data and the further data recording device is a device for recording handwriting in a digital representation. However, the limitations are well known in the art as taught by Ejima et al.

In the same field of endeavor, Ejima teaches a digital camera which enables users to capture sound, images, and handwriting/memo (Sec. 0120-0123). Ejima further teaches that the memo in memory buffer 36 is stored in memory card 24 when the button 7B (enter) is pushed (Sec. 0124-25). In light of the teaching from Ejima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the further data of Pavley by adding the handwriting/ memo data type taught by Ejima in order to provide a means to record and associate handwriting comments on the captured images.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Keirsbilck (US-5,920,350).

Regarding claim 21, Pavley et al. fail to disclose a digital camera wherein the sound recording apparatus and the camera apparatus are arranged for data capture in

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a substantially common direction. However, the limitations are well known in the art as taught by Keirsbilck.

In the same field of endeavor, Keirsbilck teaches a digital camera wherein the microphone's apertures are extended from the front and rear of the camera ( Fig. 1, 22; Col 3, Ln. 20-30). Keirsbilck further teaches that the microphone is capable of receiving bi-directional sound (Col. 3, Ln. 13-19). In light of the teaching from Keirsbilck, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify sound recording apparatus of Pavley by having a bi-directional microphone taught by Keirsbilck in order to detect the sound from the scene as well as from the rear, and reduce noises from background, and camera mechanism (Keirsbilck; Col. 3, Ln. 1-19).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Torres et al. (US-6,738,075) disclose a method and apparatus for creating an interactive slide show in a digital imaging device.

b) Kitsugi et al. (US-2002-0,003,577) disclose an electronic camera which records pictures and sound associated with picture images.

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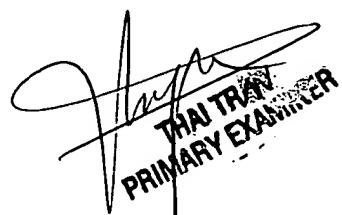
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 703-305-8143 (571-272-7367 after 03/02/05). The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGOC YEN VU can be reached on 703-305-4946 (571-272-7320 after 02/28/05). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL

02/22/05



A handwritten signature of "Hung" is written over a rectangular stamp. The stamp contains the text "THAI TRAN" vertically along the top edge and "PRIMARY EXAMINER" horizontally across the bottom.